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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE SECRETARY OF THE COMMONWEALTH

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Department of State

Commonwealth of Pennsylvania,  
Bureau of Charitable Organizations

Docket No. 0035-98-11

vs.

File No. 11-98-05447

The Student Conservation  
Association, Inc.  
Respondent

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, Bureau of Charitable Organizations ("Bureau"), and The Student Conservation Association, Inc. ("Respondent") stipulate as follows in settlement of the above-captioned case:

JURISDICTION

1. This matter is before the Secretary of the Commonwealth ("Secretary") pursuant to the Solicitation of Funds for Charitable Purposes Act, Act of December 19, 1990, P.L. 1200, No. 202 as amended ("Act"), 10 P.S. §§ 162.1-162.24.
2. Respondent solicited charitable contributions from Pennsylvania residents.
3. At all relevant times herein, Respondent was registered to solicit in Pennsylvania, certificate #14593.

STIPULATED FACTS

4. The Respondent admits to the following facts:
  - a. Respondent's mailing address, as on file with the Pennsylvania Department

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of State, is PO Box 550, Charlestown, NH 03603.

b. Respondent has been a registered charitable organization with the Bureau since 1997.

c. In 1999, the Bureau advised the Respondent it was in violation of the Act because its solicitations did not contain the disclosure statement required by Section 162.13(c).

d. By the letter dated September 8, 1999, Respondent assured the Bureau that all future solicitations would contain the required disclosure statement.

e. The Bureau received a solicitation from Respondent dated June 2009 that did not include the required disclosure statement.

f. From September 1999 through present, Respondent estimates 80,000 solicitations were sent into Pennsylvania that did not include the required disclosure statement.

g. From September 1999 through present, Respondent estimates that 340,000 solicitations were sent into Pennsylvania that did include the required disclosure statement.

#### AGREED VIOLATIONS

5. Respondent agrees that by engaging in the aforementioned activities it committed multiple violations of the Act by:

a. Soliciting charitable contributions through printed media in Pennsylvania without enclosing the disclosure statement required under 10 P.S. § 162.13(c);

#### PROPOSED ORDER

6. The parties, intending to be legally bound, consent to issuance of the following Order in settlement of this matter:

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a. Respondent violated the Act at 10 P.S. §162.15(a), by and through §162.13(c), by soliciting charitable contributions through printed media in Pennsylvania without including the required disclosure statement.

**ADMINISTRATIVE FINE**

b. An ADMINISTRATIVE FINE OF EIGHT THOUSAND DOLLARS (\$8,000.00) is levied upon Respondent. Respondent shall tender the full sum of eight thousand dollars (\$8,000.00) with this executed Consent Agreement. Payment shall be made by certified check, cashiers check, attorney's check or U.S. Postal money order made payable to the "Commonwealth of Pennsylvania."

**COMPLIANCE WITH LAW**

c. Respondent shall be allowed to continue solicitation within the Commonwealth only if the required disclosure statement is included with each solicitation.

**ACTIONS ON OTHER VIOLATIONS NOT PRECLUDED**

d. Nothing in this Consent Agreement and Order shall preclude the Prosecuting Attorney for the Bureau from filing charges or the Secretary from imposing disciplinary or corrective measures for violations or facts not contained in this Consent Agreement and Order.

**CASE SETTLED AND DISCONTINUED**

7. This case shall be deemed settled and discontinued upon the Secretary issuing an Order adopting this Consent Agreement and the Respondent's successful completion of any ordered discipline.

**ACKNOWLEDGEMENT OF NOTICE AND WAIVER OF HEARING**

8. Respondent waives the filing of an Order to Show Cause in this matter. Respondent

knowingly and voluntarily waives the right to an administrative hearing in this matter and to the following rights related to that hearing: to be represented by counsel at the hearing, to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation, to cross-examine witnesses and to challenge evidence presented by the Bureau, to present legal arguments orally or through submission of a brief, and to take appeal from any final adverse decision.

#### **AGREEMENT NOT BINDING ON OTHER PARTIES**

9. This Consent Agreement is between the Bureau and Respondent only. It does not bind any other administrative entity of the Commonwealth of Pennsylvania, including any other bureau within the Department of State. Except as otherwise noted, this Consent Agreement is to have no legal effect if the Office of General Counsel objects to the Consent Agreement's form or legality unless and until the Secretary issues the stipulated Order.

#### **EFFECT OF SECRETARY'S REJECTION**

10. Should the Secretary decide not to approve this Consent Agreement, presentation to, and consideration of this Consent Agreement and other documents and matters by the Secretary shall not prejudice the Secretary from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Secretary does not approve this Consent Agreement.

#### **ENTIRE AGREEMENT**

11. This Consent Agreement contains the entire agreement between the parties. The paragraph headings are for identification purposes only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions of any kind whatsoever concerning this Agreement.

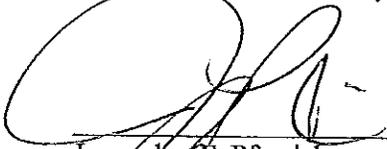
**AGREEMENT DOES NOT PREVENT REFERRAL TO OTHER AGENCIES**

12. The parties acknowledge that other federal, state and/or local agencies or governmental units may have jurisdiction over the activities of or representations made by Respondent and its officers, directors, agents, employees, or independent contractors. Nothing in this Consent Agreement and Order shall preclude representatives of the Bureau from referring any information or data produced as a result of this matter to any federal, state, and/or local agency or governmental unit having jurisdiction over the activities of Respondent or any officers, directors, agents, employees, or independent contractor of the Respondent.

**VERIFICATION OF FACTS AND STATEMENTS**

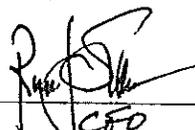
13. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information, and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Commonwealth of Pennsylvania:

  
\_\_\_\_\_  
Jacquelyn E. Pfursich  
Prosecuting Attorney  
Department of State

Date: 8/14/11

The Student Conservation  
Association, Inc.:

By:   
\_\_\_\_\_  
Title: CFO  
Respondent

Date: 8.3.11



IN THE MATTER OF  
THE STUDENT CONSERVATION ASSOCIATION, INC.  
FILE NO: 11-98-05447

ORDER

AND NOW, this 25<sup>th</sup> day of August, 2011, the terms of paragraph 6 of the foregoing Consent Agreement are hereby adopted and incorporated as the Order of the Secretary of the Commonwealth in resolution of this matter. The Order shall take effect immediately.

By:

Handwritten signature of Carol Aichele in cursive script.

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Carol Aichele  
Secretary of the Commonwealth